

In the Final Office Action, the Examiner incorrectly indicated that claims 1-21 are pending in this application. Claims 2 and 9 were canceled by the Amendment filed September 23, 1996.

Applicant acknowledges the Examiner's indication that all the previous rejections under 35 U.S.C. § 103 are withdrawn. The only outstanding issue remaining in this application is the provisional rejection of claims 1-21 under the judicially created doctrine of obviousness-type double patenting based on claims 22-34 in U.S. Patent Appl. No. 08/408,717. In order to expedite prosecution and to facilitate allowance of this application, Applicant files herewith a Terminal Disclaimer that disclaims the terminal portion of any patent based on this application that would extend beyond the expiration date of any patent granted based on U.S. Patent Application No. 08/408,717. Accordingly, this provisional rejection is overcome.

A check including the \$110.00 Terminal Disclaimer fee under 37 C.F.R. § 1.20(d) is attached.

The response above and the filing of the Terminal Disclaimer should not be construed as an admission that Applicant acquiesces in or agrees with the Examiner's provisional rejection. These remarks and the Terminal Disclaimer are presented to expedite prosecution and to facilitate allowance of this application. Applicant reserves all rights to contest this provisional rejection by any appropriate means in the future.

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It is respectfully submitted that this Amendment and the accompanying Terminal Disclaimer overcomes the outstanding rejection in this case and places the application in condition for immediate allowance. Entry of this Amendment and allowance of this application is earnestly solicited.

If there are any additional fees due in connection with the filing of this Amendment and the attached documents, such as fees under 37 C.F.R. §§ 1.16, 1.17, or 1.20, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested. This fee also should be charged to our Deposit Account No. 06-0916. Any overpayment may be credited to Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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Date: April 11, 1997

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